

**BRUNO W. TARABICHI**, CA State Bar No. 215129  
btarabichi@owenstarabichi.com  
**OWENS TARABICHI LLP**  
111 N. Market St., Suite 730  
San Jose, California 95113  
Telephone: 408.298.8200  
Facsimile: 408.521.2203  
*Pro Hac Vice*

**PUOY K. PREMSRIRUT**, State Bar No. 7141  
puoy@brownlawlv.com  
**BROWN BROWN & PREMSRIRUT**  
520 S. Fourth Street, Second Floor  
Las Vegas, NV 89101  
Telephone: 702.384.5563  
Facsimile: 702.385.1752

Attorneys for Plaintiff  
Russell Road Food and Beverage, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SOUTHERN DIVISION

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
liability company

Plaintiff,

vs.

MIKE GALAM, an individual; VICTOR  
GALAM, an individual; JACQUELINE  
GALAM BARNES, an individual;  
CANICO CAPITAL GROUP, LLC, a  
California limited liability company;  
ABRAHAM ASSIL, an individual;  
GEORGE ESHAGHIAN, an individual;  
DJAVID HAKAKIAN, an individual;  
MORRIS NEJATHAIM, an individual;  
HAMED YAZDANPANAH, an  
individual; SOLEIMAN NAZARIAN, an  
individual; ISAAC JAVDANFAR, an  
individual; KAMRAN SAMOOHA, an  
individual; MEHRAN SADIGHPOUR, an  
individual; WEST BEST CAPITAL  
GROUP, LLC, a Delaware limited liability  
company; SEFOX INVESTMENT, LLC, a  
California limited liability company;  
OLYMPIC CAPITAL VENTURE, LLC, a

Case No. 2:13-CV-00776-JCM-NJK

**ORDER GRANTING  
PLAINTIFF RUSSELL ROAD FOOD AND  
BEVERAGE, LLC'S MOTION FOR  
PRELIMINARY INJUNCTION**

Delaware limited liability company; EL MARINO, LLC, a California limited liability company; KNOTTING HILL, LLC, a California limited liability company; SN & GE, LLC, a California limited liability company; IJ PROPERTIES, LLC, a California limited liability company; S DOUBLE, LLC, a California limited liability company; INDUSTRIAL ROAD 2440-2497, LLC, a Nevada limited liability company; RHINO BARE PROJECTS LLC, a California limited liability company; RHINO BARE PROJECTS 4824 LLC, a California limited liability company; CRAZY HORSE TOO GENTLEMEN'S CLUB LLC, a Nevada limited liability company; and DOES 1 – 50, inclusive,

Defendants.

Plaintiff Russell Road Food and Beverage, LLC's Motion for Preliminary Injunction was heard on May 22, 2013 at 10:00 a.m. Plaintiffs and Defendants were represented by counsel at the hearing.

**AFTER FULL CONSIDERATION** of the moving, opposition, and reply papers and oral argument presented by counsel, and good cause appearing therefor, Plaintiff's Motion for Preliminary Injunction is GRANTED as follows.

**THE COURT HEREBY FINDS THAT**

1. Plaintiff Russell Road Food and Beverage, LLC ("Russell Road") is likely to succeed on the merits of its trademark infringement claim. Russell Road has shown that it owns common law and statutory trademark rights in the CRAZY HORSE III mark in connection with its gentlemen's club in the City of Las Vegas and State of Nevada and that such rights date back to at least as early as September 4, 2009 when it opened its CRAZY HORSE III gentlemen's club. Russell Road has also shown that an analysis of the Ninth Circuit's *Sleekcraft* factors weigh in favor of a finding of likelihood of confusion. The Court also notes that Russell Road has submitted substantial evidence of actual confusion in the marketplace, which is the best indicator

1 that a likelihood of confusion exists.

2           2. Russell Road has shown that it is suffering and is likely to suffer irreparable harm  
3 in the absence of a preliminary injunction. Such irreparable harm may be presumed by Russell  
4 Road's showing that it is likely to succeed on the merits of its trademark infringement claim.  
5 However, Russell Road has made a separate and sufficient showing of irreparable harm through  
6 its submission of evidence that (i) actual confusion has already occurred in the market; (ii) it has  
7 suffered, and will continue to suffer, intangible harm to the goodwill of its CRAZY HORSE III  
8 mark, (iii) it will be unable to control and maintain the reputation and perception of its CRAZY  
9 HORSE III mark, (iv) it will be unable to obtain a reasonable return on its investment of millions  
10 of dollars into its CRAZY HORSE III mark; and (v) its CRAZY HORSE III mark will be  
11 tarnished by being associated with the negative reputation of the former Crazy Horse Too club  
12 and its owners.

13           3. The balance of equities tips in Russell Road's favor. Russell Road has invested  
14 millions of dollars into its mark and created substantial goodwill and consumer recognition in its  
15 CRAZY HORSE III mark. In contrast, Defendants have just recently adopted the CRAZY  
16 HORSE TOO mark and did so with full knowledge of Russell Road's prior rights in the CRAZY  
17 HORSE III mark. The damage to Russell Road if a preliminary injunction does not issue far  
18 outweighs the alleged harm to Defendants of their duty to comply with the law.

19           4. As in most trademark cases, a preliminary injunction serves the public interest  
20 because it prevents confusion in the market. Here, actual confusion is already occurring and a  
21 preliminary injunction would serve to the public's interest by preventing further confusion.

22           5. A preliminary injunction would serve to preserve the status quo in this case until a  
23 final determination on the merits.

24           6. Defendants will suffer minimal damage, if any at all, by the issuance of a  
25 preliminary injunction. Therefore, a bond in the amount of \$100 is appropriate because  
26 Defendants have just recently started using the CRAZY HORSE TOO mark and have not yet  
27 opened their competing gentlemen's club, such that they will suffer no lost sales, and because  
28 Defendants adopted the CRAZY HORSE TOO mark with full knowledge of Russell Road's use

1 and ownership of the CRAZY HORSE III mark and position that Defendants' use would  
2 constitute infringement.

3 **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a a full trial on the merits

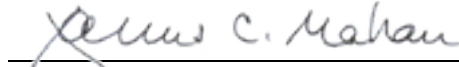
4 1. All named Defendants, including without limitation, all of their respective owners,  
5 officers, managers, employees, agents, partners, and all other persons acting in concert or  
6 participation with Defendants, are hereby preliminarily enjoined from using the CRAZY HORSE  
7 TOO, CRAZY HORSE TOO SALOON, and CRAZY HORSE trademarks and names (alone or in  
8 combination with other letters, words, or designs), as well abbreviations thereof such as CH2,  
9 CH2LV, CHTOO, and CHTOOLV, in connection with the advertising, promotion, operation, or  
10 provision of a gentlemen's club in the City of Las Vegas and State of Nevada.

11 2. All named Defendants, including without limitation, all of their respective owners,  
12 officers, managers, employees, agents, partners, and all other persons acting in concert or  
13 participation with Defendants, are hereby preliminarily enjoined and ordered to (i) remove or  
14 cover up all billboards and signage featuring the CRAZY HORSE TOO, CRAZY HORSE TOO  
15 SALOON, and/or CRAZY HORSE trademarks and names (alone or in combination with other  
16 letters, words, or designs ), as well abbreviations thereof such as CH2, CH2LV, CHTOO, and  
17 CHTOOLV; (ii) remove or disable all websites that feature—whether in the domain name url or  
18 website itself—the CRAZY HORSE TOO, CRAZY HORSE TOO SALOON, and/or CRAZY  
19 HORSE trademarks and names (alone or in combination with other letters, words, or designs ), as  
20 well abbreviations thereof such as CH2, CH2LV, CHTOO, and CHTOOLV, including, but not  
21 limited to, all websites at [www.crazyhorsetoogentlemensclub.com](http://www.crazyhorsetoogentlemensclub.com),  
22 [www.crazyhorselasvegas.com](http://www.crazyhorselasvegas.com), [www.crazyhorselv.com](http://www.crazyhorselv.com), and [www.ch2lv.com](http://www.ch2lv.com); and (iii) remove or  
23 withdraw all other promotional materials featuring the CRAZY HORSE TOO, CRAZY HORSE  
24 TOO SALOON, and/or CRAZY HORSE trademarks and names (alone or in combination with  
25 other letters, words, or designs ), as well abbreviations thereof such as CH2, CH2LV, CHTOO,  
26 and CHTOOLV, including, but not limited to, any flyers, advertisements, job postings, radio  
27 spots, and TV advertisements.

**IT IS HEREBY FURTHER ORDERED THAT**

1. The \$100 cash deposit previously made by Russell Road as a security for the temporary restraining order shall remain on deposit with the Clerk of the Court as security for this preliminary injunction pending the final disposition of this case or further order of this Court.

ENTERED this 22nd day of May, 2013.

  
HON. JAMES C. MAHAN  
UNITED STATES DISTRICT JUDGE